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arose upon the date of this judgment and not before. *Robinson v. Harkin*, [1896] 2 Ch. 415.

The court simply applies to a suit between co-trustees the principle which is recognized in suits between co-sureties. *Wolmershausen v. Gullich*, [1893] 2 Ch. 514. But the decision is important, for there is little or no authority on the point in this country. There appears to be no reason to doubt the soundness of the decision.

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## REVIEWS.

**STUDIES IN THE CIVIL LAW AND ITS RELATIONS TO THE LAW OF ENGLAND AND AMERICA.** By William Wirt Howe, of the Bar of New Orleans: Sometime a Justice of the Supreme Court of Louisiana, and W. L. Storrs, Professor of Municipal Law in Yale University for the Year 1894. Boston: Little, Brown, & Co. 1896. pp. xv, 340.

This book is the outcome of a Course of Lectures delivered before the Law School of Yale University by one of the most eminent of Louisiana lawyers.

The plan of the work is excellent. What has been written in English of late years on the Roman Law is largely of that Law as a dead thing; it has been studied as the Latin grammar is studied; indeed, it seems as if it were the archaic forms revealed to us by Gaius, which have especially attracted writers and students. To have the Roman Law as the vivifying principle of great legal systems of to-day discussed in the English language by a practising civilian, is to have made an important addition to our legal literature. But the gain is doubled by the fact that Judge Howe is not only a civilian, but a common law lawyer, and has thus been able to give us many interesting and fruitful comparisons between the Roman and Civil Law, and, what is of even more moment, has known how to approach the problems of the latter Law through the medium of actual decisions in the way that is entitled to gain them the most attention and respect from those of us who have been bred in the methods of the Common Law.

The book shows the marks of its original form of lectures. It is very clear and pleasant reading, with something of the liveliness of a spoken discourse; on the other hand, if it had been conceived originally as a printed book, the order of thought would probably have been closer, and the general prospective better preserved. Doubtless no one knows this better than Judge Howe, and we trust the success of these Studies, as he modestly names them, may justify a new edition, in which there shall be some omissions in the beginning and ending chapters, and some additions in the body of the work.

J. C. G.

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**JURISDICTION, PRACTICE, AND PECULIAR JURISPRUDENCE OF THE COURTS OF THE UNITED STATES.** By Benjamin Robbins Curtis, LL. D. Second Edition, Revised and Enlarged by Henry Childs Merwin. Boston: Little, Brown, & Co. 1896. pp. xxvi, 341.

If this little volume had nothing else to recommend it, its convenient size and neat binding would bring it readers. It is a pleasure to find a law book in so convenient a form.

Judge Curtis delivered a course of lectures on the jurisdiction of the Federal Courts at the Harvard Law School in the academic year 1872-73. The lectures, which were wholly oral and extemporaneous, were taken down by a shorthand writer and published in 1880. The present volume is a second edition of that publication. Owing to many changes which have recently been wrought by legislation, a small part of the original edition is omitted and several new paragraphs and chapters are added. The additions, however, are all enclosed in brackets, and the work of Judge Curtis is thus left practically intact and easily distinguishable.

Of the high merit of the book there can be no question. The lecturer was qualified to deal with the subject as few could be, and he brought to bear on the work all the resources of a singularly keen and well-stored mind. The result is apparent in his clear and interesting treatment of the most technical branches of his subject. The only fault noticed in the work, if fault it be, is due to the fact that it is, as it were, a spoken and not a written book. The style tends toward the conversational, and there is occasional repetition.

R. G. D.

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A SELECTION OF CASES ON THE LAW OF CARRIERS OF GOODS AND PASSENGERS. By Emlin McClain, LL.D., Chancellor of the Law Department of the State University of Iowa. Second Edition. Boston: Little, Brown, & Co. 1896. pp. xi, 744.

The second edition of Chancellor McClain's Cases on Carriers is a great improvement over the first. Many cases have been added to the collection, but the book has nevertheless been made more compact by the omission of certain unnecessary portions of the cases. (See *Orange County Bank v. Brown*, 1st ed., p. 26, 2d ed., p. 34.) While it is of undoubted benefit to the student to take the original report and sift out the essence of a case, experience has shown that in a case book the shears must be freely used in order to save the student's time, and so cover as much ground as is consistent with thoroughness. A further improvement is noticed in the better arrangement of cases under headings, printed in the body of the book. By the addition of new material various subjects have been more fully developed. The printing of *Munn v. Illinois*, 94 U. S. 113, as the first case in the book, is an excellent idea, as it is absolutely essential that the student at the very outset should be given an idea of a "public calling," early a very important conception in the law. It is to be regretted that the famous case of *Coggs v. Bernard*, 2 Ld. Raym. 909, has not been given a place in the new edition. E. S.

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ELEMENTS OF THE LAW OF CONTRACTS. By Edward Avery Harriman. Boston: Little, Brown, & Co. 1896. pp. xli, 342.

This is a wonderfully comprehensive little book. The author says of it that it is "an attempt to explain the rules of positive contract law which are to-day enforced by the courts of England and the United States, in accordance with the actual historical development of those rules, and to classify and arrange those rules as far as possible in a scientific manner." This task of stating the whole law of contract in a scientific form within a small volume, Mr. Harriman has accomplished with signal success. The arrangement, as can be gathered immediately from the Table of Contents, is perfectly methodical; and his treatment of some difficult and little understood topics, such as Conditions, and the Right of a "Benefi-